



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, NOVEMBER 18, 2010 3:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, November 18, 2010, in the Commission Chambers at City Hall. Chairman Roland Stults called the meeting to order at 3:30 p.m. The following Commission members were present:

Roland Stults
Jo Ann Heim
Donald Lukich
Charles Townsend
Edward Schlein
Clell Coleman
Agnes Berry

James Argento, Alternate Planning Commissioner was present, however, he was not able to vote due to having a full board in attendance. City staff that was present included Bill Wiley, Director; Mike Miller, Planner; Ernest Stevens, Administrative Assistant II, and Fred Morrison, City Attorney.

The meeting opened with an invocation given by Commissioner Agnes Berry and the Pledge of Allegiance to the Flag.

Bill Wiley, Director, informed the audience of the rules of participation and the need to sign the speaker's registry. Bill Wiley also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Ernest Stevens swore in staff as well as anyone wishing to speak.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR OCTOBER 21, 2010.

Commissioner Donald Lukich moved to APPROVE the minutes as presented. Commissioner Edward Schlein SECONDED the motion, which was PASSED by a unanimous voice vote of 7 to 0.

OLD BUSINESS

1. PUBLIC HEARING CASE # 041-0-102110 - RECYCLABLE – 100, INC. – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 9.9 +/- ACRES FROM COUNTY URBAN EXPANSION TO CITY INDUSTRIAL FOR A PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF HAYWOOD WORM

FARM ROAD, SOUTH OF ROGERS INDUSTRIAL PARK ROAD AND NORTH OF THE ARLINGTON RIDGE SUBDIVISION – **(POSTPONED UNTIL THE DECEMBER 16TH PLANNING COMMISSION MEETING)**

Commissioner Edward Schlein made a motion to APPROVE the postponing of case # 041-0-102110 - RECYCLABLE – 100, INC – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT until the December 16th Planning Commission Meeting. Commissioner Donald Lukich SECONDED the motion which, PASSED by a voice vote of 7 to 0.

2. PUBLIC HEARING CASE # 042-1-102110 – RECYCLABLE – 100, INC. - REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 9.9 +/- ACRES FROM COUNTY MP (PLANNED INDUSTRIAL) TO CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW FOR AN AGGREGATE PROCESSING PLANT FOR A PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF HAYWOOD WORM FARM ROAD, SOUTH OF ROGERS INDUSTRIAL PARK ROAD AND NORTH OF THE ARLINGTON RIDGE SUBDIVISION - **(POSTPONED UNTIL THE DECEMBER 16TH PLANNING COMMISSION MEETING)**

Commissioner Edward Schlein made a motion to APPROVE the postponing of case # 042-1-102110 – RECYCLABLE – 100, INC – REZONING until the December 16th Planning Commission Meeting. Commissioner Donald Lukich SECONDED the motion which, PASSED by a voice vote of 7 to 0.

NEW BUSINESS:

1. PUBLIC HEARING CASE # 049-2-111810 – FRANK’S PLACE – CONDITIONAL USE PERMIT

REQUEST FOR A RECOMMENDATION OF THE PLANNING COMMISSION TO GRANT A CONDITIONAL USE PERMIT FOR AN APPLICANT WHOSE PROPERTY IS APPROXIMATELY .26 +/- ACRES WITHIN THE CITY CBD (CENTRAL BUSINESS DISTRICT) ZONING DISTRICT TO ALLOW FOR INDOOR/OUTDOOR RECREATION WITH ALCOHOL SALES, FOOD AND ENTERTAINMENT FOR A PROPERTY LOCATED ON THE NORTH SIDE OF MARKET STREET BETWEEN N. 2ND STREET AND N. 1ST STREET - **(FINAL DECISION VOTED UPON BY THE PLANNING COMMISSION)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, conceptual site plan, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, and site photos.

No substantive comments were received from the departments and there were not any public responses received.

Mr. Wiley and the Planning & Zoning recommended the approval of the request for the following

reasons:

1. This request meets the criteria set forth in Section 25-141 "Conditional Uses" of the City of Leesburg Code of Ordinances for the granting of a conditional use permit for the requested use of indoor/outdoor recreation for the existing restaurant/bar with outside expansion uses.
2. The Conditional Use for the subject property is compatible with the existing City future land use designation of General Commercial and consistent with the City's adopted Growth Management Plan, Future Land Use Element, Goal 1, Objective 1.6.
3. The proposed Conditional Use is compatible with the adjacent zoning classifications in the City and does not appear to be a detrimental impact on the surrounding properties.

with the following condition(s):

1. This conditional use permit is granted to the permittee to allow indoor/outdoor recreation that will include alcohol sales, food and entertainment for the existing restaurant/bar and outside expansion uses, in a CBD (Central Business District) zoning district, as shown in Sec. 25-292 Supplemental District Requirements, (3) Alcoholic beverages uses, of the City of Leesburg Code of Ordinances.
2. Current parking shall not be reduced and new parking shall be provided per City of Leesburg Code for the CBD core area.
3. A time limit of twelve (12) months shall be permitted for the outside extension of the conditional use to be completed.
4. Violation of any of the conditions of this permit may result in the permit becoming null and void for the approved use.
5. The transfer of ownership or lease of any or all of the property described in these conditions shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions and agreements stated herein. Any change or deviation from conditions shown herein may be revised through procedures as described in the City of Leesburg Code of Ordinances, as amended.
6. The granting of this Conditional Use Permit does not exempt the applicant from other applicable regulations of the City of Leesburg such as building and fire safety and other governmental agencies and assessment of any required impact fees necessary for the proposed use.
7. The applicant shall be subject to Section 12-19 Regulation of Public Nuisances of the City of Leesburg Code of Ordinances, as per attached Exhibit D.
8. This conditional use permit is subject to approval of the City of Leesburg Historic Preservation Board of the applicant's site plan and architectural elevations.

Mr. Lukich asked about the noise possibly affecting any residences in the local area. Mr. Wiley stated with all the other events that are held in the immediate area the residents are aware of the noise factor and are not anticipating any issues.

Many comments were made about any possible blackout dates or restriction dates, noise concerns, and smoking restrictions. Mr. Wiley explained that with the CUP many restrictions are not the same as a venue special event permit so that is one of the advantages of getting this type of permit and with the property being downtown where many events are already held no concerns regarding these issues have been raised.

Commissioner Donald Lukich made a motion to APPROVE case # 049-2-111810 - FRANK'S PLACE – CONDITIONAL USE PERMIT. Commissioner Edward Schlein SECONDED the motion which, PASSED by a voice vote of 7 to 0.

2. PUBLIC HEARING CASE # 051-1-111810 – THE DIOCESE OF ORLANDO - REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 38.70 +/- ACRES FROM COUNTY A (AGRICULTURE) TO CITY PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW A CATHOLIC CHURCH, ASSOCIATED SOCIAL HALL, PRIEST RESIDENCE, K-8 SCHOOL, DAYCARE, THRIFT STORE AND SENIOR HOUSING FOR A PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 27, SOUTH OF ARAPAHO TRAIL AND NORTH OF WINDSONG OAK DRIVE – **(POSTPONED AT THE APPLICANT'S REQUEST UNTIL THE DECEMBER 16TH PLANNING COMMISSION MEETING)**

Commissioner Edward Schlein made a motion to APPROVE the postponing of case # 051-1-111810 – THE DIOCESE OF ORLANDO – REZONING until the December 16th Planning Commission Meeting. Commissioner Donald Lukich SECONDED the motion which, PASSED by a voice vote of 7 to 0.

3. PUBLIC HEARING CASE # 059-0-111810 - WALLING WEST – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 2.67 +/- ACRES FROM CITY ESTATE RESIDENTIAL TO CITY INDUSTRIAL FOR A PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF BENTON STREET, EAST OF MCCORMICK STREET AND SOUTH OF CENTRAL FLORIDA FREEZER – **[CITY COMMISSION DATES - 1st READING ON DECEMBER 20, 2010 (TBD) AND A 2ND READING IN JANUARY 2011 (TBD)]**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, and site photos.

No substantive comments were received from the departments and there were not any public responses received.

Mr. Wiley stated that this property and the next case have the same applicant. The applicant has been very patient with the city because these two pieces were zoned inappropriately finally we are

now able to resolve this issue.

Mr. Lukich asked about any potential development of this land and Mr. Wiley stated that there were no plans at this time.

Commissioner Edward Schlein made a motion to APPROVE case # 059-0-111810 – WALLING WEST – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Jo Ann Heim SECONDED the motion which PASSED by a voice vote of 7 to 0.

4. PUBLIC HEARING CASE # 060-0-111810 - PALM PLAZA – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 9.8 +/- ACRES FROM CITY ESTATE RESIDENTIAL TO CITY INDUSTRIAL FOR A PROPERTY GENERALLY LOCATED NORTH OF BENTON STREET, WEST OF U.S. HIGHWAY 27 AND EAST OF CENTRAL FLORIDA FREEZER – [CITY COMMISSION DATES - 1st READING ON DECEMBER 20, 2010 (TBD) AND A 2ND READING IN JANUARY 2011 (TBD)]

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment map and site photos.

Mike Miller presented the following items on the overhead, conceptual site plans, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment map and site photos.

No substantive comments received from the departments and there were no public responses received.

Bill Wiley stated the staff recommendation had already been read into record from the previous case.

Mr. Lukich asked about the strip of land located next to the property and Mr. Morrison was able to explain what it was and who it belonged to.

Commissioner Jo Ann Heim made a motion to APPROVE case # 060-0-111810 – PALM PLAZA – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Donald Lukich SECONDED the motion which PASSED by a voice vote of 7 to 0.

5. PUBLIC HEARING CASE # 062-2-111810 – NIGHT OWL BINGO – CONDITIONAL USE PERMIT

REQUEST FOR A RECOMMENDATION OF THE PLANNING COMMISSION TO GRANT A CONDITIONAL USE PERMIT FOR AN APPLICANT WHOSE PROPERTY IS APPROXIMATELY .64 +/- ACRES WITHIN THE CITY C-3 (HIGHWAY COMMERCIAL) ZONING DISTRICT TO ALLOW A BINGO HALL FOR A PROPERTY LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 441 AND THE WEST SIDE OF LAKE AVENUE - (FINAL DECISION VOTED UPON BY THE PLANNING COMMISSION)

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, future land use and zoning map, surrounding land use map, wetlands, flood zones, and lakes map, community redevelopment map, site photos and conceptual site plan.

Mike Miller presented the following items on the overhead, general location map, aerial photo, future land use and zoning map, surrounding land use map, wetlands, flood zones, and lakes map, community redevelopment map, site photos, and conceptual site plan.

No substantive comments received from the departments and there was no public responses received by the cutoff date; however when we received the mail this morning there were two for approval and one for disapproval the property owner didn't want a bingo hall that close to their property.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

1. This request meets the criteria set forth in Section 25-141 "Conditional Uses" of the City of Leesburg Code of Ordinances for the granting of a conditional use permit for the requested use of indoor recreation-bingo hall.
2. The Conditional Use for the subject property is compatible with the existing City future land use designation of General Commercial and consistent with the City's adopted Growth Management Plan, Future Land Use Element, Goal 1, Objective 1.6.
3. Subject to the conditions listed below, the proposed Conditional Use is compatible with the adjacent zoning classifications of City C-3 (Highway Commercial) to the north, south, east and west and County C-2 (Community Commercial) to the south and does not appear to be a detrimental impact on the surrounding properties.

with the following condition(s):

7. This conditional use permit is granted to the permittee to allow indoor recreation-bingo hall and other accessory uses, in a C-3 (Highway Commercial) zoning district and is subject to the requirements as explained in Exhibit A
8. A time limit of twelve (12) months shall be permitted to initiate the conditional use.
9. Only adults eighteen (18) years of age or older shall be permitted within buildings where this use is permitted.
10. Hours of operation shall be restricted to Monday through Thursday 7:00 a.m. to 11:00 p.m., Friday 10:00p.m. to 4:00a.m., Saturday 5:30p.m. to 12:00p.m. and Sunday 3:00p.m. to 11:00p.m.
11. The sale or consumption of alcohol on the premises shall be prohibited
12. No food shall be prepared on site, however, vending machines and prepackaged snacks shall be permitted.
13. The applicant must adhere to Florida Statutes 849.0931 *Bingo authorized; conditions for conduct;*

permitted uses of proceeds; limitations governing the operation of bingo games and a violation of said statutes may result in this permit becoming null and void for the approved use.

14. The transfer of ownership or lease of any or all of the property described in these conditions shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions and agreements stated herein. Any change or deviation from conditions shown herein may be revised through procedures as described in the City of Leesburg Code of Ordinances, as amended.
15. The granting of this Conditional Use Permit does not exempt the applicant from other applicable regulations of the City of Leesburg such as building and fire safety and other governmental agencies and assessment of any required impact fees necessary for the proposed use.
16. Violation of any of the conditions of this permit may result in this permit becoming null and void for the approved use.
11. The applicant shall be subject to Section 12-19 Regulation of Public Nuisances of the City of Leesburg Code of Ordinances, as per attached Exhibit B.

Ms. Barbara Dail inquired about the hours of operation. She stated she could work with the hours, but wanted to know if the days of the week could be changed. She is trying to operate as much as possible during the busiest times. The business contributes to two local charities the Boys and Girls Club and The Haven. Mr. Stults asked how much is actually donated to these charities. Ms. Dail said the donated monies vary during the busy and slow season, but the donated amount is whatever is left over after their expenses are paid. Mr. Lukich asked about her previous donations. She responded with the hall being open on weekends they have donated as much as \$200 to \$ 500 a month to each charity.

Ms. Dail was asked by Mr. Lukich if the games were electronic or live. It was confirmed the bingo games are live games not electronic.

Mr. Stults reviewed the operating hours with Mr. Wiley. Mr. Wiley stated the operating hours could be changed by the board; the staff chose to stay within the guidelines set up for the internet cafes. Mr. Lukich asked Ms. Dail to clarify the operating hours and they would be as follows: Monday – Thursday closed, Fridays 10pm – 4am, Saturdays 5:30pm – midnight, and Sundays 3pm to 11pm. Mr. Lukich confirmed the bingo players had to be over the age of 18. Mr. Wiley explained why this specific type of use was chosen and it was primarily due to the limited hours of operation and wouldn't have any major impact on the city.

Mr. Schlein then made a motion to approve the changing of the operating hours; Mr. Lukich seconded it and then called for to be done formally.

Commissioner Donald Lukich made a motion to APPROVE case # 062-2-111810 – A NIGHT OWL BINGO – CONDITIONAL USE PERMIT; amending the hours of operation to Monday – Thursday 7am - 11pm, Friday 10pm - 4am, Saturday 5:30pm – midnight, Sunday 3pm - 11pm. Commissioner Edward Schlein SECONDED the motion which, PASSED by a voice vote of 7 to 0.

Discussion:

Discuss and approve a Planning Commission Meeting Date Schedule for 2011.

Commissioner Jo Ann Heim made a motion to APPROVE the dates presented for the Planning Commission meetings in 2011. Commissioner Edward Schlein SECONDED the motion which, PASSED by a voice vote of 7 to 0.

The next scheduled meeting date is December 16, 2010.

The meeting adjourned at 4:16 p.m.

Roland Stults III, Chairperson

Jo Ann Heim, Vice Chairperson

Ernest Stevens, Administrative Assistant II